

## **Chapter 27.61**

### **NONCONFORMING AND NONSTANDARD USES**

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#### **27.61.010 Continuation of Nonconforming Use.**

Subject to the provisions of this chapter, the lawful use of a building or premises existing immediately prior to the effective date of this title may be continued although such use does not conform to the provisions hereof.

If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or of a more restrictive category. For the purposes of this chapter, each of the following categories of use shall be considered to be "more restrictive" than those it precedes:

- (a) Single- and two-family residential;
- (b) Multiple-family residential;
- (c) Office buildings;
- (d) Retail sales and service;
- (e) General commercial;
- (f) Light industrial;
- (g) Heavy industrial;
- (h) Uses only by special permit in the I-1 industrial district.

Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

Subject to the requirements of Sections 27.61.040 and 27.61.080, below, a nonconforming use not involving a building may be continued even though such use does not conform to the provisions hereof if no changes are made in regard to size or location of water lines, sewer lines or private roads. (Ord. 12571 §295; May 8, 1979).

#### **27.61.020 Use Becoming Nonconforming by Change in Law or Boundaries.**

Whenever the use of a building or premises becomes a nonconforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restrictive category, subject to

the provisions of this chapter. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive nonconforming use. (Ord. 12571 §296; May 8, 1979).

**27.61.030 Discontinuance of Nonconforming Use.**

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of two years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. (Ord. 12571 §297; May 8, 1979).

**27.61.040 Extension or Enlargement.**

Any nonconforming building or premises devoted to a use not permitted by this title in the district in which the building or premises is located shall not be enlarged, extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the building or premises is located or unless authorized under the provisions of Section 27.63.280 or required to do so by law or order. (Ord. 12571 §298; May 8, 1979).

**27.61.050 Restoration After Damage.**

When the use of a building is nonconforming as defined in this chapter and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than sixty percent of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with the provisions of Chapter 27.75 or Section 27.63.280. (Ord. 12571 §299; May 8, 1979).

**27.61.060 Sign Regulations.**

Signs for nonconforming uses and nonconforming signs shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §300; May 8, 1979).

**27.61.070 Open Storage.**

Where land within the R-1, R-2, R-3, and R-4 districts contain no main buildings as distinguished from accessory buildings and fences, and where said land was used solely for open storage immediately prior to the effective date of this title, use of such land for open storage shall be discontinued within two years.

Where land is used for a nonconforming or nonstandard use in conformance with the provisions of this chapter and where such land contains a main building or structure in addition to open storage, said open storage shall be brought in conformance with the area, front yard, side yard, rear yard, height, unobstructed open space, and parking requirements for the district in which it is located within the period of one year from the effective date of this title. (Ord. 12571 §301; May 8, 1979).

**27.61.080 Effect on Use Which is Illegal Under Prior Law.**

Nothing in this title shall be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of zoning regulations in effect immediately prior to the effective date of this title. (Ord. 12571 §302; May 8, 1979).

**27.61.090 Continuation of Nonstandard Uses.**

Nonstandard uses existing immediately prior to the effective date of this title and uses becoming nonstandard through a change in the zoning ordinance or district boundaries may be continued, although such uses do not conform to the provisions hereof.

Nonstandard structures and buildings may be enlarged, extended, or reconstructed, as follows:

(a) Enlargements, extensions, or reconstructions may be made as required by law or ordinance or ordered by the Director of Building and Safety to secure the safety of the structure;

(b) Enlargement, extension, or reconstruction of buildings or structures may otherwise be made if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space for the district in which they are located. (Ord. 16798 §2; June 5, 1995; prior Ord. 12894 §23; April 7, 1980; Ord. 12571 §303; May 8, 1979).